Traffic Safety Act

Fines and Demerit Points

Discussion Paper

May 2002

Paper #6

Alberta
TRANSPORTATION

Introduction

The new Traffic Safety Act (TSA) received Royal Assent during the Spring 1999 Session of the Legislative Assembly of Alberta. The Act awaits proclamation before coming into full effect.

The TSA is the amalgamation of four Acts: Highway Traffic Act, Motor Vehicle Administration Act, Motor Transport Act and Off-Highway Vehicle Act. The Act is a comprehensive, streamlined piece of legislation. This consolidated approach to road safety will provide a clearer source of information for traffic legislation than is currently in place.

The development and refinement of the TSA was preceded by extensive public consultation beginning in the fall of 1997 and continuing in various forms up to the 1999 Spring Session of the Legislature when the bill was introduced for debate.

Several portions of the four current Acts will be converted to regulations under the Traffic Safety Act to provide the means to more quickly address concerns. For example, rules of the road and vehicle equipment will be moved into regulations to allow for a faster response to new and changing conditions affecting the needs of Albertans.

The fines or "specified penalties" for offenses under the current Acts are prescribed in the Procedures Regulation under the Provincial Offences Procedure Act (POPA). These need to be reviewed because a comprehensive review of fines has not been conducted since 1986. The TSA will result in some new offenses for which no existing penalty exists.

The Discussion paper addresses a number of issues that relate to the appropriate level of fines and/or demerit points for various offences. Once Alberta Transportation compiles all feedback a final proposal on fines and demerits will be prepared for the government's approval. Any increases in fines or change in demerits will come into effect when the Traffic Safety Act is proclaimed.

Background

Safety of road users, drivers, passengers, pedestrians and cyclists are the primary concern of Alberta Transportation. The "Rules of the Road" establish the driving criteria to ensure road safety for all users. The "rules" are clear and drivers have an obligation to obey them and share the road with others. Drivers must devote their full attention to driving and not allow themselves to be distracted by engaging in other activities.

In the past few years driving habits have changed, drivers have become more aggressive, lost common courtesy usually shown to others, and have entered into actions that could be discourteous or even dangerous to the safety of others. These actions include things like grooming, using a computer, reading while driving, operating

fax machines and using a hand-held cell phone. Penalties like fines and demerit points act as deterrents to unsafe practices.

In view of the number of specified penalties, this Discussion Paper only highlights a few specific offences; however, a complete review of all fines will be undertaken. A specified penalty is a fixed amount shown on a traffic ticket that the driver can voluntarily pay rather than going to court. Should the driver take a traffic ticket to court, the Judge can use the specified penalty as a guideline when imposing a fine.

As a point of interest, there are 798 specified penalties as well as 151 mandatory court offences that a person could be charged with under the current four Acts and supporting regulations. For the majority of cases it is proposed that fines may be increased. The largest impact may be at the current low end of fines. The $10, $25 and $30 fines may all be increased to $50. Other fines may be doubled except for fines in the $250 and above level. Those fines may be increased to a lesser extent because they are already at a significant level.

Fines are generally set in the Procedures Regulation under the POPA Act. However, because POPA does not deal with minimum fines or subsequent offences, some fines will be prescribed in the TSA. For example, the minimum fine for driving without insurance is $2,500 and jail for a subsequent offence committed within one year. Because these types of sanctions are already in the TSA, they are outside the scope of this discussion paper.

For ease of discussion, offences are grouped into 5 subject areas: Rules of the Road, Administrative & Licensing, Equipment, Commercial Vehicles and Off-Highway Vehicles. Where a commercial vehicle requirement is of the same nature as a general public requirement, the provision goes into the general category.

Basic Principles:

1. A fine must be a deterrent therefore it must be more than the cost of compliance e.g., broken headlamp.

2. Assessing demerit points is also an effective way to ensure compliance with traffic safety legislation. The threshold for operator licence suspension is 15 demerits.

3. We will be harmonizing fines. For example, the charge of failing to stop for a peace officer has a fine of $100 under the Highway Traffic Act and $250 under the Motor Vehicle Administration Act.

4. No fine may be less than $50.

   For information, there are currently:

   414 fines between $10 and $30.
   218 fines at $50
   56 fines at $75
   68 fines at $100
   14 fines at $150
   5 fines at $200
   20 fines at $250
   2 fines at $300, and
   1 fine at $350.

5. Demerit points would stay at existing levels, with some changes to reflect the assessment of demerit points for new offences.

For a complete list of all the current 798 fines call 427-8901, or visit our website http://www.trans.gov.ab.ca under "Supporting Safe Roads" click on Traffic Safety, scroll down to Public Consultations then scroll down to "Discussion Paper Fines and Demerits".

If you are interested in the most recent collision statistics visit our website, same address as above, then scroll down to "Monitoring".

A. Rules of the Road

Includes provisions from the Traffic Safety Act regulations for the operation of motor vehicles and bicycles and actions by pedestrians on the highway.

Issue 1.0:

People who fail to stop for red lights, run amber lights, fail to stop at stop signs or yield at yield signs represent a major risk of collisions. It is proposed that fines for these offences be increased from the current $50 to $250.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 2.0:

One of the more serious actions a driver can make is failure to stop when a school bus's red flashing lights are activated. The current fine for this offence is $300 plus six demerits. Do you think this fine should be increased?

☐ Yes ☐ No ☐ No opinion

Comments: _____

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Issue 3.0:

Passing a vehicle stopped at a crosswalk for a pedestrian is a very dangerous action. The current fine is $50. It is proposed that the fine be increased to $500.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 3.1:

It is proposed that the demerit points for this offence be increased from the current three to four.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 3.2:

It is illegal to fail to yield to a pedestrian in a crosswalk. The current fine is $50. As this is a very dangerous situation and the consequences could be either injury or death to the pedestrian, it is proposed that the current fine of $50 be increased to $500.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 3.3:

It is proposed that the demerit points be increased for this offence from the current three to four.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 4.0:

There are a number of driving actions that are considered very high risk and put the public at danger. These actions are stunting, racing and driving without consideration for others. The current fine for these offences is $100. It is proposed that these fines be increased to $350.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 4.1:

Driving without due care and attention is also considered very high risk and puts the public at danger. The current fine is $150. It is proposed that this fine be increased to $350.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 4.2:

In addition to a charge of driving without due care and attention, should there be a specific fine relating to driver actions that either endanger others or are discourteous? This could include behaviors such as "road rage", using a computer, reading, using a hand-held cell phone, etc.

☐ Yes ☐ No ☐ No opinion

Comments: _____

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Issue 5.0:

One of the major causes of collisions is following too close. It is proposed that the fine for this offence be increased from the current $50 to $150.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 6.0:

It is an offence for the owner or operator of a motor vehicle to fail to comply with the requirement of a peace officer to submit the vehicle, together with its equipment and any trailer attached to it, for examination and tests to ensure that the motor vehicle, its equipment and trailer, are mechanically fit and safe for operation. The current fine is $50. It is proposed that the fine be increased to $150.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 7.0:

Complaints have been received by the department, that motorists are not complying with the speed limit posted in construction zones. Generally, construction zones can be hazardous as there are workers, slow moving equipment and surface breaks in the roadway. Therefore, it has been suggested that there be a separate offence for speeding in a construction zone and also that the penalty be double the normal penalty for a speeding offence.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 8.0:

There is a concern with drivers driving through military/funeral processions, authorized parades and other processions. As this can put numerous people, including children in danger, it is recommended that the current fine of $25 be increased to $100.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 8.1:

There is also a concern with pedestrians breaking through a military or funeral procession. This can put the individual and the procession at risk; therefore it is recommended that the current fine of $25 be increased to $100.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 9.0:

People riding a bicycle in the dark do not always ride with the required lamps on their bicycle. As a result, they are hard to see and can pose a hazard to themselves and other drivers. It is recommended that the current fine for not having required lamps on a bicycle be increased from the current $25 to $100.

This is a harmonization issue and makes the penalty the same as for vehicles without proper lamps.

☐ Agree ☐ Disagree ☐ No opinion

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Issue 10.0:

All fines for failure to comply with the requirement of a peace officer are $50. The only exemption to this will be the charge of fail to stop for a peace officer or to provide information to a peace officer. The current fine $50. It is proposed that all fines for these offences are increased to $150.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 11.0:

The current fine for speeding starts at $29 for one kilometer over the speed limit. It is proposed that these fines be adjusted to start at $50 and maintain the same ratio of fine to speed over the limit; i.e., fine for 1 kilometer over the speed limit would be $50 and increased by $2 per kilometer to 15 kilometers over, then increased by $3 for 16 to 30 and $5 from 31 to 50 kilometers over the speed limit. Fifty-one kilometers and over would result in an automatic court appearance.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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B. Licensing and Administration

Includes provisions from the Traffic Safety Act regulations dealing with licensing, registration, vehicle seizure, vehicle identification numbers, accident reports, driver training and driver examiner regulations.

Graduated Driver Licensing (GDL) is a program which will ensure that all new drivers, regardless of age, get the support, skill and experience they need before becoming a fully licensed driver. The proposed penalties are intended as a deterrent for breaching the conditions of the GDL. The approach of a combination of fines and demerit points and attendance at driver improvement programs are considered the most effective approach and has been established based on other GDL programs across Canada.

Issue 1.0

Learners must be accompanied in the front seat of the vehicle by a fully licensed driver (non-probationary) of at least 18 years of age, and in the case of a motorcycle either on the motorcycle or in a motor vehicle in close proximity. The current fine for this offence is $150 and it is proposed to retain this fine.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 1.1

In addition to the current fine, it is proposed that two demerit points be applied to the GDL driver for this violation.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 2.0

Learner drivers will not be allowed to operate a vehicle between midnight and 5:00 a.m. or in the case of a motorcycle during nighttime. It is proposed that the fine for this be $100.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 2.1

It is proposed that two demerit points be applied for this offence.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 3.0

Graduated Driver Licence drivers in the learner and probationary phases will not be allowed to carry more passengers than the number of seat belt placements. The proposed fine for this offence would be $100.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 3.1

It is proposed that two demerit points be applied for this offence.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 4.0

Graduated Driver Licence drivers will have penalties occur more quickly than fully licensed drivers who are suspended at 15 demerit points. The following is proposed:

Accumulation of 4 demerit points – warning letter sent

Accumulation of 8 demerit points – one-month suspension

Reinstatement with three demerit points

2nd suspension – three months suspension and mandatory driver improvement course

3rd suspension – within a two year period – six month suspension and appearance before the Alberta Transportation Safety Board

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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C. Equipment

Equipment provisions from the Traffic Safety Act, and regulations that apply to all vehicles, plus commercial vehicle equipment requirements.

Issue 1.0:

The driver of a motor vehicle, implement of husbandry and cycle is required to ensure that the brakes on the vehicle are in proper condition. The current fines for inadequate brakes range from $25 for an inadequate emergency parking brake to $75 for inadequate service brakes on a motor vehicle. As proper brakes are an essential safety component on all motor vehicles, it is proposed that fines for these offences be increased to $150.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 2.0:

It is proposed that in addition to doubling the current fine of $50 for not properly wearing a seat belt that two demerit points be issued to the driver.

☐ Agree ☐ Disagree ☐ No opinion

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Issue 3.0:

There will be an offence for other vehicles such as pick-up trucks transporting a load in an unsafe/dangerous manner. Would you agree that the fine should be similar to the commercial vehicle fine of $300.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Commercial Vehicles

Includes provisions from the Traffic Safety Act, and related regulations.

Issue 1.0:

If a driver or company violate any of the hours' of service requirements, it is proposed that the fine for these offences be increased from the current $25 to $300.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 2. 0:

It is proposed to replace the current penalty structure for overweight vehicles from the current "flat fine" of $100 for each 500 kilogram overload to levying the fine for each 100 kilogram of overload. The proposed structure would be $20 for each 100 kilograms for overloads up to 2500 kilograms; $25 for each 100 kilograms for overloads between 2501 to 5000 kilograms; and, $35 for each 100 kilograms for overloads over 5000 kilograms.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 2.1:

Overloads of up to 2500 kilograms occurring on a bridge, banned roads or exceeding a permit limit will be increased at the $25 level per 100 kilogram overload and not the general $20 level, to reflect the fact that damage is more severe in those situations.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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Issue 3.0:

The current fine for a commercial vehicle transporting a load in an unsafe/dangerous manner is $25. It is proposed that due to the danger of a load falling off a moving vehicle, the fine should be increased to $1,000 or mandatory court appearance.

☐ Agree ☐ Disagree ☐ No opinion

Comments: _____

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E. Off-Highway Vehicles

Includes provisions from the Traffic Safety Act, Off-Highway Vehicle Act and regulations dealing with regulation, equipment and operation.

Penalties for violations under the Off-Highway Vehicle Act and regulations were last revised in 1998. As the provision from this Act and regulations are being carried forward to the Traffic Safety Act changes will only be updated as necessary to ensure similar offences and fines are the same otherwise no change to the penalties are being proposed at this time.

Follow-up Information

To help Alberta Transportation analyze responses to this document, we would appreciate the following information:

Are you responding on behalf of a business or industry group?

☐ Yes ☐ No

If yes, please give the name of the organization:

_____ Phone Number: _____

Fax Number: _____

If no, please give your name:

_____ Phone Number: _____

Fax Number: _____

What is your mailing address?

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_____ Postal Code: _____

Please forward your comments and response by: **June 19, 2002**

Thank you for providing your opinions and ideas on this discussion paper.

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This discussion paper can be viewed on the Internet by going to Alberta Transportation's homepage: http://www.trans.gov.ab.ca

Please include any additional issues you think we may have missed, along with your suggestions for resolving them.

Issue: _____

Background: _____

Recommendation: _____